

its water right (WUC 57-3442) by non-use.

On October 26, 1988, the Court conducted a special hearing for these two protests, to determine and clarify the issues to be tried. Those issues are now set forth at pp. 15-16, below. By the parties' stipulation, in which the Court concurs, the parties shall not pursue their respective arguments against each other's standing.

Under similar stipulation, by this Order the water title portion of another action between these real parties in interest, Butler, Crockett & Walsh Development Corporation, et al., v. James Carter, et al., Salt Lake County Civil No. C86-9542, pending before Judge Wilkinson, is hereby severed from that action and removed to this Court for determination within this general adjudication. The Pinecrest Water Company is a plaintiff in the other action (C86-9542), and is hereby included in the instant action.

The parties who will participate in the litigation of these Protests are Butler, Crockett & Walsh Development Corporation; The Pinecrest Water Company; Pinecrest Pipeline Operating Company; and the State Engineer. (After the Attorney General's Office advised Salt Lake City Corporation of the dispute, the City responded that it does not claim an interest in the water rights being protested here and that it does not wish to participate in this proceeding.)